

Mr. William Beach, Director
Division of Radiation and Safeguards
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive
Suite 1000
Arlington, Texas 76011

Dear Mr. Beach:

Information on file with the U.S. Environmental Protection Agency (EPA) indicates that the Fansteel Metals facility in Muskogee, Oklahoma is regulated by the Nuclear Regulatory Commission (NRC), pursuant to a source material license issued under the Atomic Energy Act. As specified in 48 Federal Register 40661, September 8, 1983, the EPA has, as a matter of policy, chose not to list releases of source, byproduct, or special nuclear material under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), at any facility where the NRC holds a license. As such, EPA under CERCLA believes that the NRC has full authority to require remediation of any releases from the Fansteel facility. We therefore believe that any corrective action required at the facility should be conducted under NRC jurisdiction.

If you have any questions regarding this decision, please contact Barbara Driscoll of my staff at (214) 655-6740.

Sincerely yours,

Allyn H. Davis
Director
Hazardous Waste Management Division

cc: Mr. Robert M. Bernero
Director
Office of Nuclear Material
Safety and Safeguards

Mr. Robert D. Martin
Regional Administrator
U.S. Nuclear Regulatory Commission

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